

Dean L. Engelhardt, et al.

Serial No.: 08/486,069

Filed: June 7, 1995

Page 13 (Third Supplemental Amendment Following Applicants' February 22, 1999
Second Supplemental Amendment, their July 24, 1998 Supplemental Response and
Their July 6, 1998 Amendment Under 37 C.F.R. §1.116 - March 29, 1999)

REMARKS

Reconsideration of this application is respectfully requested.

Claims 284-375 were previously pending in this application. New claims 376-400 have been added above by this Third Supplemental Amendment. No claims have been amended or canceled. Accordingly, claims 284-400 are presented for further examination on the merits.

Before addressing the remaining issues in this application, the undersigned attorney would like to thank Examiner Marschel for the time and courtesy that he extended at the March 23, 1998 interview that was also attended by Dean L. Engelhardt, Ph.D., Senior Vice President of Enzo Diagnostics, Inc., the present assignee. Further and based upon that interview, Applicants intend to submit a further clarifying supplemental response in addition to this, their Third Supplemental Amendment.

New claims 376-400 have been added above. These claims are directed to processes for determining whether the number of copies of a particular chromosome in a cell is normal or abnormal (claims 376-380), identifying a chromosome of interest in a cell containing other chromosomes (381-384), identifying all of the chromosomes in a cell of interest (claims 385-389), determining the number of chromosomes in an interphase cell of interest (claims 390-395), and detecting a nucleic acid of interest by hybridizing it with an oligo- or polynucleotide comprising at least one protein binding sequence capable of binding to said nucleic acid of interest (claims 396-400). It is believed that the subject matter of new claims 376-395 is fully supported by Applicants' original disclosure, particularly Example 9 on pages 48-50. Example 9 is titled "Uses of Labeled DNA Sequences" and it includes sections I (Karyotyping) and II (Diagnosis of Genetic Disorders). With respect to new claims 396-400, attention is directed to Applicants' Example XXXIV found on pages 77-78. That example is directed to a DNA probe ligated to a synthetic DNA composed of repeated sequences of *E. coli lac* operator DNA.

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Applicants sincerely believe that new claims 376-400 do not
constitute the insertion of new matter into their disclosure. Entry of new
claims 376-400 is respectfully requested.

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SUMMARY AND CONCLUSIONS

Claims 376-400 have been added above for further examination on the
merits.

The fee for new claims 376-400 is \$840, based upon the \$390 fee
for the presentation of five new independent claims ($5 \times \$78 = \390), and
the \$450 fee for twenty-five additional claims ($25 \times \$18 = \450). As
indicated in the accompanying Transmittal form, authorization is hereby given
to charge the amount of \$840 to Deposit Account No. 05-1135. If any
other fee or fees are deemed necessary in connection with this Third
Supplemental Amendment, authorization is hereby given to charge the
amount of any such fee to Deposit Account No. 05-1135, or to credit any
overpayment thereto.

If a telephone conversation would further the prosecution of the
present application, Applicants' undersigned attorney request that he be
contacted at the number provided below.

Respectfully submitted,


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